REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, claims 1-3, 5-9, and 11-22 are amended. No new matter is added. After entry of this Amendment, claims 1-3, 5-9 and 11-22 will remain pending in the patent application.

In the Office Action, the Examiner alleged that a certified copy of the priority document has not been received. Applicants respectfully disagree and note that a copy of the priority document was filed with the original application on October 16, 2001, as indicated by the stamped post-card receipts dated October 16, 2001 A copy of the stamped post-card receipts is enclosed herewith.

Claims 1-6, 13-17 and 18-22 were rejected under 35 U.S.C. §101 as being allegedly directed to a non-statutory subject matter. The rejection is respectfully traversed.

Contrary to the Examiner's allegation, claims 1-6 and 13-17 are not directed to a service. Claims 1-6 and 13-17 are each directed to a service providing **method** for providing services, the service providing method setting forth various steps/acts to carry out the method. Therefore, claims 1-6 and 13-17 are directed to a statutory subject matter as defined in 35 U.S.C. §101. However, in order to clarify the intended meaning of the claims and to expedite prosecution, the language "a service providing **method** for providing services" has been changed to "a **method** for providing services." It is respectfully submitted that the amendment to claims 1-6 and 13-17 fully obviates the rejection of these claims.

With respect to claims 18-22, each of these claims is directed to a service providing **system** for providing services to a holder of a portable electronic device, the system including various means. As such, claims 18-22 are directed to a statutory subject matter as defined in 35 U.S.C. §101. However, in order to clarify the intended meaning of the claims and to expedite prosecution, the language "a service providing **system** for providing services to a holder of a portable electronic device" has been changed to "a **system** for providing services to a holder of a portable electronic device." It is respectfully submitted that the amendment to claims 18-22 fully obviates the rejection of these claims.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-6, 13-17 and 18-22 under 35 U.S.C. §101 are respectfully requested.

Claims 14 and 19 were rejected under 35 U.S.C. §112, second paragraph. In connection with the rejection, the Examiner indicated that there is insufficient antecedent basis for the limitation "the period." In response, claims 14 and 19 are amended to provide antecedent basis for this limitation.

Accordingly, reconsideration and withdrawal of the rejection of claims 14 and 19 under 35 U.S.C. §112, second paragraph are respectfully requested.

Claims 1, 5, 7 and 11 were rejected under 35 U.S.C. §103(a) based on Ohki *et al.* (U.S. Pat. No. 6,644,553) (hereinafter "Ohki") in view of Bornemann *et al.* (U.S. Pat. No. 6,199,752) (hereinafter "Bornemann"). The rejection is respectfully traversed.

Claim 1 recites a method for providing services to a first portable electronic device holder via a terminal device that handles the portable electronic device, based on the first portable electronic device having a memory storing application data relative to the service provision and pre-storing individual data of a holder by a prescribed organization, the method comprising (a) checking justifiability of the first portable electronic device based on the data stored in the first portable electronic device when the directive data for the application downloading is received from the terminal device; (b) demanding a setting of a portable electronic device to download the application data when the first portable electronic device is confirmed to be justifiable; (c) reading out application data desired by a holder from the memory when receiving data showing the completion of setting the first portable electronic device or a second portable electronic device differing from the first portable electronic device as a portable electronic device in which an application is downloaded; and (d) transmitting the read application data to the terminal device by directing download of the application to the portable electronic device that is set as described above, wherein the reading includes judging whether the set portable electronic device is the first portable electronic device or the second portable electronic device differing from the first portable electronic device when a data showing the setting completion of the portable electronic device to which an application is downloaded is received, wherein the reading includes creating data relative to the individual data stored in the first portable electronic device and directing to store this relative data in the second portable electronic device when the set portable electronic device is judged to be the second portable electronic device in said

judging; and wherein, when the set portable electronic device is judged to be the first portable electronic device in said judging or when the data showing the completion of storage of relative data in the second portable electronic device is received, reading out application data desired by a holder from the memory.

As conceded by the Examiner on page 4, paragraph 8, of the Office Action, Ohki does not disclose, teach or suggest the judging and the creating of claim 1 as well as the feature of reading out application data desired by a holder from the memory when the set portable electronic device is judged to be the first portable electronic device in said judging or when the data showing the completion of storage of relative data in the second portable electronic device is received. However, Applicants respectfully submit that there are additional features that are absent in Ohki.

For example, Ohki does not disclose, teach or suggest checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when the directive data for the application downloading is received from the terminal device.

Ohki merely discloses mounting an IC card to the terminal, authenticating the mechanical and electrical legitimacy of the IC card, performing a personal authentication of the IC card, and if the IC card holder is the legitimate user, installing the application on the IC card. (*See* col. 5, lines 24-31 and col. 6, lines 34-43). Ohki also discloses that after, or prior to, performing the personal authentication of the IC card, a menu of next items to be executed (such as execution of application, version up of application, maintenance of application) is displayed on the screen of the terminal and the user selects an operation. (*See* col. 5, lines 22-49). Ohki also discloses the operations performed when the user selects one of the items displayed on the menus. (See col. 5, lines 50-67, col. 6, lines 1-67 and col. 7, lines 1-24).

However, unlike claim 1, Okhi is simply silent as to checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when, *i.e.* until after, the directive data for the application downloading is received from the terminal device. Ohki merely teaches authenticating the mechanical and electrical legitimacy of the IC card, prior to selecting (by the user) one of the items displayed on the menus.

The Examiner alleged that these features are disclosed in Ohki at col. 5, lines 15-20, FIG. 19 and col. 7, lines 1-25. Applicants respectfully disagree.

Ohki merely discloses at col. 5, lines 15-20, transferring the application from the terminal to the IC card once the IC card is inserted into the terminal. Furthermore, Ohki merely discloses in FIG. 19 and at col. 7, lines 1-25, authenticating the IC card terminal when the user selects the "version up" in the menu. However, there is no indication or teaching in Ohki as to what happens when a directive data for downloading the application is received from the terminal device. Clearly, Okhi is silent as to, and does not even hint at, checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when, *i.e.* until after, the directive data for the application downloading is received from the terminal device.

As another example, Ohki is silent as to demanding a setting of a portable electronic device to download the application data when the first portable electronic device is confirmed to be justifiable. It is noted that the Examiner has failed to identify where in Ohki such features are disclosed. (*See* page 3, paragraph 8 of the Office Action). In Ohki, no setting of the IC card is demanded when the IC card is confirmed to be justifiable.

Bornemann does not remedy the deficiencies of Ohki. Bornemann merely discloses a postage meter machine that includes a card write/read unit that has a controller allowing an initialization of a number of chip cards by the user in order. (*See* col. 3, lines 13-67 and col. 4, lines 1-41). Bornemann is not concerned with checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when, *i.e.* until after, the directive data for the application downloading is received from the terminal device or demanding a setting of a portable electronic device to download the application data when the first portable electronic device is confirmed to be justifiable. Therefore, any reasonable combination of Ohki and Bornemann cannot result in any way in the invention of claim 1.

Furthermore, it is respectfully submitted that Bornemann fails to disclose, teach or suggest judging whether the set portable electronic device is the first portable electronic device or the second portable electronic device differing from the first portable electronic device when a data showing the setting completion of the portable electronic device to which an application is downloaded is received. The Office Action alleged that Bornemann discloses these features at col. 3, lines 20-25. Applicants respectfully disagree and submit that the Examiner is not considering the full limitation of claim 1.

Col. 3, lines 20-25 in Bornemann merely discloses that "a different inserted chip card should be recognized by the postage meter and correspondingly interpreted." This excerpt also states: "the postage meter machine should be operated with an optimally inexpensive chip card type." *Id.* Clearly, Bornemann is silent as to performing the judging when a data showing the setting completion of the portable electronic device to which an application is downloaded is received.

In addition, it is respectfully submitted that Bornemann is silent as to creating data relative to the individual data stored in the first portable electronic device and directing to store this relative data in the second portable electronic device when the set portable electronic device is judged to be the second portable electronic device in said judging. The Examiner alleged that Bornemann discloses these features at col. 4, lines 1-10 and 35-40. Applicants respectfully disagree and submit that the Examiner is not considering the full limitation of claim 1.

Bornemann merely discloses at col. 4, lines 1-10 and 35-40, that the first chip card supplied together with the postage meter machine is referred to as a master card and that further chip cards are referred to as successor cards. There is no indication in Bornemann that, when the set portable electronic device is judged to be the second portable electronic device in the previously described judging operation, data are created relative to the individual data stored in the first portable electronic device and this relative data are stored in the second portable electronic device.

Therefore, for at least these reasons, any reasonable combination of Ohki and Bornemann cannot result in the invention of claim 1.

Furthermore, Applicants respectfully submit that there is no motivation or suggestion to combine the teachings of Ohki and Bornemann. Contrary to the Examiner's allegation, these references have nothing in common. Ohki discloses an IC card terminal connected to a network but is silent as to a postage meter machine. Bornemann merely discloses an individual postage meter machine that uses IC cards but is silent as to the possibility of transferring application from the network to the IC card via a terminal. Therefore, since these references are silent as to each other's features, Applicants respectfully submit that it would not have been obvious to modify one of these references in view of the other. For at least this reason, Applicants respectfully request that the rejection of claim 1 be withdrawn.

The Examiner also stated "it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the above teachings" without providing any reasons for such a determination other than alleging that "the inventions are analogous arts." MPEP 2143 requires the Examiner to provide reasons, not vague stereotyped statements. Specifically, MPEP 2143 states "to support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP 2143 citing Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985 (Emphasis added). The Examiner is respectfully requested to provide the required motivation or withdraw the rejection.

In addition, Applicants respectfully submit that it would not have been obvious to modify Ohki in view of Bornemann at least because Ohki teaches away from the features of claim 1.

Indeed, Ohki clearly teaches that "in the case where the capacity is insufficient, the user is warned against it ... and terminates the process without executing anything." (*See* col. 8, lines 26-28, emphasis added). Therefore, by virtue of specifically teaching terminating the process without executing anything when the capacity of the card is insufficient, Ohki teaches away from, *e.g.*, creating data relative to the individual data stored in the first portable electronic device and directing to store this relative data in the second portable electronic device when the set portable electronic device is judged to be the second portable electronic device in said judging. (*See* MPEP 2145(X-D)). Because Ohki clearly teaches away from the features recited in claim 1, one of ordinary skill in the art would not be motivated to modify Ohki to provide the features of claim 1. For at least this reason, claim 1 is patentable over Ohki.

Claim 5 is patentable over Ohki, Bornemann and a combination thereof at least by virtue of its dependency from claim 1 and for the additional features recited therein.

The Examiner alleged that the features of claim 5 are disclosed in Challener at col. 7, lines 38-55. (*See* paragraph 10 of the Office Action). However, Applicants respectfully note that claim 5 has not been rejected under the combination of Ohki, Bornemann and Challener, but merely based on the combination of Ohki and Bornemann. As such, by virtue of arguing that the additional features of claim 5 are only taught in Challener, Applicants assume that

claim 5 is patentable over Ohki, Bornemann and a combination thereof. A notice to that effect is earnestly solicited in the next communication from the Office.

With respect to the Examiner's allegation that Challener discloses the additional features of claim 5, Applicants respectfully disagree. Challener merely discloses at col. 7, lines 38-55, a voting process that begins by inserting a smart card in a card reader, which is in communication with a data processing system under the control of the voter. Challener also discloses that the voter enters his pin number and the data processing system compares the pin number entered by the voter to the pin number read utilizing the smart card reader to determine whether the voter is authorized to vote. (*See* col. 7, lines 40-50). Challener is, however, silent as to the demanding, checking, providing and informing features recited in claim 5.

Claim 7 is patentable over Ohki, Bornemann and a combination thereof for at least similar reasons as provided above in claim 1 and for the additional features recited therein.

Namely, claim 7 is patentable over Ohki, Bornemann and a combination thereof at least because this claim recites a system comprising, *inter alia*, justifiability checking means for checking justifiability of the first portable electronic device based on the data stored in the first portable electronic device received by the receiving means when the download direction is received by the receiving means; setting demand means for demanding the setting of a portable electronic device to download application data when the first electronic device is confirmed justifiable by the justifiability check means; wherein the means for reading application data includes means for judging whether the set portable electronic device is the first portable electronic device or a second portable electronic device differing from the first electronic device when the data showing the completion of the setting of a portable electronic device to download application is received by the receiving means, wherein the means for reading application data includes means for creating information relative to the individual data stored in the first portable electronic device and directing storage of this relative data in the second portable device is judged by the judging means as the second portable electronic device, and wherein the reading of an application desired by a holder from the memory is executed when the set portable electronic device is judged by the judging means to be the first portable electronic device or when the data showing the completion of the storage of relative data in the second portable electronic device is received by the receiving means. For similar reasons as provided above, these features are not disclosed, taught or suggested in

Ohki and Bornemann. Accordingly, any reasonable combination of Ohki and Bornemann cannot result, in any way, in the invention of claim 7.

Furthermore, and for similar reasons as provided above, Applicants respectfully submit that there is no motivation or suggestion to combine the teachings of Ohki and Bornemann.

Claim 11 is patentable over Ohki, Bornemann and a combination thereof at least by virtue of its dependency from claim 7 and for the additional features recited therein.

Furthermore, and as mentioned previously in claim 5, claim 11 has not been rejected under the combination of Ohki, Bornemann and Challener, but merely based on the combination of Ohki and Bornemann. As such, by virtue of arguing that the additional features of claim 11 are merely taught in Challener, Applicants assume that claim 11 is patentable over Ohki, Bornemann and a combination thereof. A notice to that effect is earnestly solicited in the next communication from the Office.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 5, 7 and 11 under 35 U.S.C. §103(a) based on Ohki in view of Bornemann are respectfully requested.

Claims 2 and 8 were rejected under 35 U.S.C. §103(a) based on Ohki in view of Bornemann in view of Narasimhan *et al.* (U.S. Pat. No. 6,446,192) (hereinafter "Narasimhan"). The rejection is respectfully traversed.

Claim 2 depends from claim 1 and is, therefore, patentable over Ohki, Bornemann and a combination thereof for at least the same reasons as provided above in claim 1, and for the additional features recited therein.

Narasimhan fails to remedy the deficiencies of Ohki and Bornemann. Narasimhan merely discloses a method and apparatus for remotely controlling and monitoring devices or equipment over a computer network. (*See* col. 2, lines 41-54). However, Narasimhan is silent as to a method comprising, *inter alia*, (a) checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when the directive data for the application downloading is received from the terminal device; and (b) demanding a setting of a portable electronic device to download the application data when the first portable electronic device is confirmed to be justifiable, wherein the reading includes

judging whether the set portable electronic device is the first portable electronic device or the second portable electronic device differing from the first portable electronic device when a data showing the setting completion of the portable electronic device to which an application is downloaded is received, wherein the reading includes creating data relative to the individual data stored in the first portable electronic device and directing to store this relative data in the second portable electronic device when the set portable electronic device is judged to be the second portable electronic device in said judging; and wherein, when the set portable electronic device is judged to be the first portable electronic device in said judging or when the data showing the completion of storage of relative data in the second portable electronic device is received, reading out application data desired by a holder from the memory.

It is noted that Narasimhan was merely cited by the Office Action as allegedly disclosing transmitting the read out application data in the unusable state. Therefore, the combination of Ohki, Bornemann and Narasimhan cannot result in any way in the invention of claim 2.

Claim 8 depends from claim 7 and is, therefore, patentable over Ohki, Bornemann and a combination thereof for at least the same reasons as provided above in claim 7, and for the additional features recited therein.

Narasimhan fails to remedy the deficiencies of Ohki and Bornemann for similar reasons as provided above in claim 2. Therefore, the combination of Ohki, Bornemann and Narasimhan cannot result in any way in the invention of claim 7.

Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 8 under 35 U.S.C. §103(a) based on Ohki in view of Bornemann and Narasimhan are respectfully requested.

Claims 6 and 12 were rejected under 35 U.S.C. §103(a) based on Ohki in view of Bornemann and Bahl *et al.* (U.S. Pat. No. 6,834,341) (hereinafter "Bahl"). The rejection is respectfully traversed.

Claim 6 depends from claim 1 and is, therefore, patentable over Ohki, Bornemann and a combination thereof for at least the same reasons as provided above in claim 1, and for the additional features recited therein.

Bahl fails to remedy the deficiencies of Ohki and Bornemann. Bahl merely discloses an authentication method and a system for accessing network. (*See* cols. 2 and 3). However, Bahl is silent as to a method comprising, *inter alia*, (a) checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when the directive data for the application downloading is received from the terminal device; and (b) demanding a setting of a portable electronic device to download the application data when the first portable electronic device is confirmed to be justifiable, wherein the reading includes judging whether the set portable electronic device is the first portable electronic device or the second portable electronic device differing from the first portable electronic device when a data showing the setting completion of the portable electronic device to which an application is downloaded is received, wherein the reading includes creating data relative to the individual data stored in the first portable electronic device and directing to store this relative data in the second portable electronic device when the set portable electronic device is judged to be the second portable electronic device in said judging; and wherein, when the set portable electronic device is judged to be the first portable electronic device in said judging or when the data showing the completion of storage of relative data in the second portable electronic device is received, reading out application data desired by a holder from the memory.

Applicants respectfully note that Bahl was merely cited as allegedly disclosing presenting desired service levels. Therefore, any reasonable combination of Ohki, Bornemann and Bahl cannot result in any way in the invention of claim 6.

Claim 12 depends from claim 7 and is, therefore, patentable over Ohki, Bornemann and a combination thereof for at least the same reasons as provided above in claim 7, and for the additional features recited therein.

Bahl fails to remedy the deficiencies of Ohki and Bornemann for similar reasons as provided above in claim 6. Therefore, the combination of Ohki, Bornemann and Bahl cannot result in any way in the invention of claim 7.

Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 12 under 35 U.S.C. §103(a) based on Ohki in view of Bornemann and Bahl are respectfully requested.

Claims 3 and 9 were rejected under 35 U.S.C. §103(a) based on Ohki in view of Bornemann and Chen (U.S. Pat. No. 6,442,556). The rejection is respectfully traversed.

Claim 3 depends from claim 1 and is, therefore, patentable over Ohki, Bornemann and a combination thereof for at least the same reasons as provided above in claim 1, and for the additional features recited therein.

Chen fails to remedy the deficiencies of Ohki and Bornemann. Chen merely discloses a decompression software package that can store files in an assigned storage device. (*See* col. 1 lines 29-60). However, Chen is silent as to a method comprising, *inter alia*, (a) checking the justifiability of the first portable electronic device based on the data stored in the first portable electronic device when the directive data for the application downloading is received from the terminal device; and (b) demanding a setting of a portable electronic device to download the application data when the first portable electronic device is confirmed to be justifiable, wherein the reading includes judging whether the set portable electronic device is the first portable electronic device or the second portable electronic device differing from the first portable electronic device when a data showing the setting completion of the portable electronic device to which an application is downloaded is received, wherein the reading includes creating data relative to the individual data stored in the first portable electronic device and directing to store this relative data in the second portable electronic device when the set portable electronic device is judged to be the second portable electronic device in said judging; and wherein, when the set portable electronic device is judged to be the first portable electronic device in said judging or when the data showing the completion of storage of relative data in the second portable electronic device is received, reading out application data desired by a holder from the memory.

Therefore, any reasonable combination of Ohki, Bornemann and Chen cannot result in any way in the invention of claim 3.

Claim 9 depends from claim 7 and is, therefore, patentable over Ohki, Bornemann and a combination thereof for at least the same reasons as provided above in claim 7, and for the additional features recited therein.

Chen fails to remedy the deficiencies of Ohki and Bornemann for similar reasons as provided above in claim 2. Therefore, the combination of Ohki, Bornemann and Chen cannot result in any way in the invention of claim 9.

Accordingly, reconsideration and withdrawal of the rejection of claims 3 and 9 under 35 U.S.C. §103(a) based on Ohki in view of Bornemann and Chen are respectfully requested.

Claims 13, 16, and 17 were rejected under 35 U.S.C. §103(a) based on Ohki in view of Challener *et al.* (U.S. Pat. No. 6,644,553) (hereinafter "Challener"). The rejection is respectfully traversed.

Claim 13 is patentable over Ohki at least because this claim recites a method comprising, *inter alia*, "checking justifiability of the portable electronic device based on the data stored in the portable electronic device when the download direction is received from the terminal device." For similar reasons as provided above, Ohki does not disclose, teach or suggest a method including these features.

Challener fails to remedy the deficiencies of Ohki. Challener discloses a method and system for electronic voting. Challener discloses that the voting process begins by inserting a smart card in a card reader which is in communication with a data processing system under the control of the voter. Challener also discloses that the voter enters his pin number and the data processing system compares the pin number entered by the voter to the pin number read utilizing the smart card reader to determine whether the voter is authorized to vote. (*See* col. 7, lines 40-50). Therefore, Challener merely discloses determining/judging whether the card holder is entitled to vote based on the information/pin number provided by the card holder and the smart card. Challener is silent about checking the justifiability of the portable electronic device based on the data stored in the portable electronic device when the download direction is received from the terminal device. Therefore, any reasonable combination of Ohki and Challener cannot result, in any way, in the invention of claim 13.

Claims 16 and 17 are patentable over Ohki, Challener and a combination thereof at least by virtue of their dependency from claim 13, and for the additional features recited therein. For example, Ohki and Challener are silent as to directing an invalidation of the application relative to the vote downloaded in the portable electronic device by changing it to an unusable state when the acceptance of the data relative to the vote is completed in said accepting. Challener merely discloses subtracting the content of a ballot from the vote count when the vote is fraudulent. (*See* col. 9, lines 1-25). For at least this reason, Ohki and Challener cannot anticipate claim 17.

Accordingly, reconsideration and withdrawal of the rejection of claims 13, 16, and 17 under 35 U.S.C. §103(a) based on Ohki in view of Challener are respectfully requested.

Claim 14 was rejected under 35 U.S.C. §103(a) based on Ohki in view of Challener and McClure *et al.* (U.S. Pub. No. 2001/0037234). The rejection is respectfully traversed.

Claim 14 depends from claim 13 and is therefore patentable over Ohki and Challener for at least the same reasons provided above for claim 13 and for the additional features recited therein.

McClure fails to remedy the deficiencies of Ohki and Challener. McClure merely discloses a distributed network system. (*See* paragraphs [0015]-[0030]). McClure is however silent as to "checking justifiability of the portable electronic device based on the data stored in the portable electronic device when the download direction is received from the terminal device." Therefore, any reasonable combination of Ohki, Challener and McClure cannot result, in any way, in the invention of claim 14.

Accordingly, reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. §103(a) based on Ohki in view of Challener and McClure are respectfully requested.

Claim 15 was rejected under 35 U.S.C. §103(a) based on Ohki in view of Challener and Bornemann. The rejection is respectfully traversed.

Claim 15 depends from claim 13 and is therefore patentable over Ohki and Challener for at least the same reasons provided above for claim 13 and for the additional features recited therein.

Bornemann fails to remedy the deficiencies of Ohki and Challener. As mentioned previously, Bornemann is silent as to "checking the justifiability of the portable electronic device based on the data stored in the portable electronic device when the download direction is received from the terminal device." Therefore, any reasonable combination of Ohki, Challener and Bornemann cannot result, in any way in the invention of claim 15.

Furthermore, Applicants respectfully submit that Bornemann fails to disclose, teach or suggest the additional features of claim 15. For similar reasons previously discussed above in claim 1, Bornemann is silent as to demanding a setting of a portable electronic device to which the application data relative to the vote is downloaded when the holder is judged to have the voting right; judging whether the set portable set electronic device is the first portable electronic device or the second portable electronic device differing from the first portable electronic device when the information showing the setting completion of the portable electronic device to which the application is downloaded; and creating data relative

to the individual data stored in the first portable electronic device, transmitting this relative data and directing to store it in the second portable electronic device when the set portable electronic device is judged as being the second portable electronic device as a result of the judgment.

Accordingly, reconsideration and withdrawal of the rejection of claim 15 under 35 U.S.C. §103(a) based on Ohki in view of Challener and Bornemann are respectfully requested.

Claims 18 and 21-22 were rejected under 35 U.S.C. §103(a) based on Challener in view of Ohki. The rejection is respectfully traversed.

Claim 18 is patentable over Challener for at least similar reasons as provided in claim 13 and for the additional features recited therein. Namely, claim 18 is patentable over Challener at least because this claim recites a system comprising, *inter alia*, "means for checking justifiability of the portable electronic device based on the data stored in the portable electronic device received by the receiving means when the directive data for the download is received by the receiving means." As mentioned previously, Challener does not disclose, teach or suggest these features.

As also mentioned previously, Ohki is also silent as to these features and, therefore, fails to remedy the deficiencies of Challener. As such, any reasonable combination of Ohki and Challener cannot result, in any way, in the invention of claim 18.

Claims 21 and 22 are patentable over Challener, Ohki and a combination thereof at least by virtue of their dependency from claim 18, and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 18 and 21-22 under 35 U.S.C. §103(a) based on Challener in view of Ohki are respectfully requested.

Claim 19 was rejected under 35 U.S.C. §103(a) based on Challener in view of Ohki and McClure. The rejection is respectfully traversed.

Claim 19 depends from claim 18 and is, therefore, patentable over Challener, Ohki and a combination thereof for at least the same reasons as provided in claim 18 and for the additional features recited therein. Namely, claim 19 is patentable over Challener, Ohki and a combination thereof at least because this claim recites a system comprising, *inter alia*,

"means for checking the justifiability of the portable electronic device based on the data stored in the portable electronic device received by the receiving means when the directive data for the download is received by the receiving means." As mentioned previously, Challener and Ohki do not disclose, teach or suggest these features.

As also mentioned previously, McClure is also silent as to these features and, therefore, fails to remedy the deficiencies of Challener and Ohki. As such, any reasonable combination of Challener, Ohki and McClure cannot result, in any way, in the invention of claim 19.

Accordingly, reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. §103(a) based on Challener in view of Ohki and McClure are respectfully requested.

Claim 20 was rejected under 35 U.S.C. §103(a) based on Challener in view of Ohki and Bornemann. The rejection is respectfully traversed.

Claim 20 depends from claim 18 and is, therefore, patentable over Challener, Ohki and a combination thereof for at least the same reasons as provided in claim 18 and for the additional features recited therein. Namely, claim 20 is patentable over Challener, Ohki and a combination thereof at least because this claim recites a system comprising, *inter alia*, "means for checking justifiability of the portable electronic device based on the data stored in the portable electronic device received by the receiving means when the directive data for the download is received by the receiving means." As mentioned previously, Challener and Ohki do not disclose, teach or suggest these features.

As also mentioned previously, Bornemann is also silent as to these features and, therefore, fails to remedy the deficiencies of Challener and Ohki. As such, any reasonable combination of Challener, Ohki and Bornemann cannot result, in any way, in the invention of claim 20.

Furthermore, Applicants respectfully submit that Bornemann fails to disclose, teach or suggest the additional features of claim 20. For similar reasons previously discussed above in claim 1, Bornemann is silent as to (a) means for demanding the setting of a portable electronic device to which the application data is downloaded when the holder of the portable electronic device is judged to have the voting right by the vote right judging means; (b) means for judging whether the set portable electronic device is the first portable electronic device or the second portable electronic device differing from the first electronic device when

the information showing the completion of setting of the portable electronic device to which an application is downloaded is received by the receiving means; and (c) means for creating data relative to the individual data stored in the first portable electronic device, transmitting the created relative data and directing to store the relative data in the second portable electronic device; wherein when the set portable electronic device is judged to be the first portable electronic device by the judging means or when the information showing the completion of the storage of relative data in the second portable electronic device is received by the receiving means, the application data desired by the holder is read from the storing means.

Accordingly, reconsideration and withdrawal of the rejection of claim 20 under 35 U.S.C. §103(a) based on Challener in view of Ohki and Bornemann are respectfully requested.

The rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants requests that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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Attachment: October 16, 2001 post-card receipts (copies)

PAT-103 8/01 PTO RECEIPT FOR INDICATED ITEMS
Appln. No: 0 /
Inventor(s)TANAKA, Yoko
Title: SERVICE PROVIDING METHOD AND SERVICE. .

Atty DSL/vw
Date 10/16/01
C# 9270
M# 284004

ENCLOSED:
☐ Amendment ☐ Appendix ☐ Cover sheet
1 No. of Pages Abstract
58 No. of Pages Spec and Claims
22 No. of numbered Claims only
☒ Declaration (2 #pgs)
☒ Assignment ☒ Cover Sheet
1 No. of Priority Documents
24 No. Sheets Drawings (Fig(s) 1 to 35) ☒ 1 set Formal
☐ IDS Letter ☐ cited Appl(s). ☐ Foreign sch rept/OA
☐ PTO-1449 ☐ cited docs.
☐ Nonpublication Request
$ 900.00 Fee (Check)
Other:

CURRENT DUE DATE: October 16, 2001

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Violet White

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